

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

ANGEL PEDRAZA-ROMAN,
Petitioner-Appellant,

v.

WILLIAM J. CARROLL, District

No. 97-7389

Director, Arlington District Office,
Immigration and Naturalization
Service,
Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Virginia, at Alexandria.
T. S. Ellis, III, District Judge.
(CA-97-1307-A)

Argued: December 1, 1998

Decided: January 5, 1999

Before WILLIAMS and MICHAEL, Circuit Judges, and
MICHAEL, Senior United States District Judge for the
Western District of Virginia, sitting by designation.

Affirmed by unpublished per curiam opinion.

COUNSEL

ARGUED: Michael Edward McKenzie, Arlington, Virginia, for
Appellant. David Michael McConnell, Assistant Director, Office of
Immigration Litigation, Civil Division, UNITED STATES DEPART-

MENT OF JUSTICE, Washington, D.C., for Appellee. **ON BRIEF:**
Frank W. Hunger, Assistant Attorney General, H. Bradford Glass-
man, Office of Immigration Litigation, Civil Division, UNITED
STATES DEPARTMENT OF JUSTICE, Washington, D.C., for
Appellee.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

Angel Pedraza-Roman appeals the district court's denial of his petition for a writ of habeas corpus. Pedraza-Roman entered the United States illegally in 1990. In 1991 he failed to show up for his deportation hearing and was ordered deported in absentia. Pedraza-Roman lived in this country undetected until 1997, when he filed a motion with the INS to reopen his deportation proceedings. In his motion he claimed he had not had notice of his original deportation hearing, although he admitted that he had learned of the outstanding deportation order in 1993. Following Pedraza-Roman's filing with the INS in 1997, the agency took him into custody and detained him under the outstanding warrant for his deportation. An immigration judge thereafter denied the motion to reopen. Pedraza-Roman then filed a motion to reconsider the denial of this motion, which the immigration judge also denied. Pedraza-Roman has appealed that decision to the BIA, and the appeal is still pending.

While his administrative proceedings were ongoing, Pedraza-Roman filed a complaint in the United States District Court for the District of Columbia seeking a stay of deportation and release from detention. That court granted him a stay of deportation but denied his request for release. Pedraza-Roman then filed a petition for a writ of habeas corpus in district court in the Eastern District of Virginia, challenging the length of his detention and disputing the INS's authority

to detain him. The district court denied the writ after a hearing, and Pedraza-Roman has appealed. After considering the briefs, the joint appendix, and the oral arguments of counsel, we affirm on the reasoning of the district court. See Pedraza-Roman v. Carroll, No. 97-1307-A (E.D. Va. Sept. 5, 1997) (hearing on motions).

AFFIRMED